

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES—GENERAL

Case No. CV-18-5601-MWF (MRWx)

Date: July 20, 2018

Title: Deutsche National Trust Company v. Marina Read

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:
Rita Sanchez

Court Reporter:
Not Reported

Attorneys Present for Plaintiff:
None Present

Attorneys Present for Defendant:
None Present

Proceedings (In Chambers):

**ORDER REMANDING ACTION TO
STATE COURT**

On January 17, 2018, Marina Read filed a writ of mandamus in the Santa Barbara County Superior Court regarding the alleged wrongful foreclosure of her home. The Superior Court denied the writ. (Notice of Removal ¶¶ 1-2 (Docket No. 1)). Proceeding *pro se*, Petitioner now attempts to remove the action to federal court pursuant to 28 U.S.C. §1441. (*Id.* ¶ 7).

Section 1441 states, in pertinent part, that an action brought in a state court “may be removed by the *defendant or defendants*.” 28 U.S.C. § 1441(a) (emphasis added). The defendants in the action before the Superior Court are Respondents Superior Court Judge James E. Herman and Deutsche Bank National Trust Company. (*See* Notice of Removal at 122). It appears that, when filing her Notice of Removal, Petitioner simply used a pen to cross out the parties and re-label herself as the “Defendant-Petitioner” and Deutsche Bank National Trust Company as the “Plaintiff.” (*See id.* at 1). Because Petitioner is not actually the Defendant in this action, she may not remove it to federal court pursuant to § 1441.

Accordingly, the Court **REMANDS** the action to the Superior Court of the State of California for the County of Santa Barbara. The Court **ORDERS** the Clerk to treat this Order, and its entry on the docket, as an entry of judgment. Local Rule 58-6.

IT IS SO ORDERED.